

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 1:07CR 457-01
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
LEROY S. GAINES, JR.,)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT AND</u>
)	<u>REFERRAL TO U. S. PROBATION</u>
Defendant)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh, regarding the change of plea hearing of , which was referred to the Magistrate Judge with the consent of the parties.

On August 29, 2007, the government filed a two-count indictment, charging Defendant , Leroy S. Gaines, Jr., with Conspiracy with Intent to Distribute Crack Cocaine in violation of Title 21 United States Code, Section 846; and Title 21 United States Code, Section 841(a)(1) and (b)(1)(A)(2) . On September 12, 2007, Defendant Gaines was arraigned and entered a plea of not guilty before Magistrate Judge Kenneth S. McHargh. On October 23, 2007, Magistrate Judge Kenneth S. McHargh received Defendant Gaines' plea of guilty to count two of the indictment and issued a Report and Recommendation ("R&R") concerning whether the plea

should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Gaines is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Gaines is adjudged guilty of Count 2 of the indictment, in violation of Title 21 United States Code, Section 841(a)(1) and (b)(1)(A)(2). This matter is referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on January 17, 2008, at 10:00 a.m. in Courtroom 17-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE